



## STATE OF WASHINGTON

### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Economic Services Administration

Division of Child Care and Early Learning

P.O. Box 45480, Olympia, Washington 98504-5480

November 22, 2004

TO: All DCCEL Staff

FROM: Carla Gira, Acting Administrator  
Child Care Policy

#### **SUBJECT: CHANGE TO LICENSING COMPLIANCE PROCESS**

DCCEL will immediately begin to give licensed providers the opportunity to request supervisory review of any non-compliance issue when they believe they are already meeting the intent of the cited WAC.

Providers believe they do not have an effective process for resolving disputes or differences with licensor decisions. This concern prompted the formation of a workgroup to explore the possibility of a revision to the Facility Licensing Compliance Agreement (FLCA) that would include a supervisory review process. The workgroup included licensors, supervisors, field managers, child care providers, family home child care advocates, union representatives and headquarters staff. As a result, we revised the FLCA to include an area where the provider can indicate whether they disagree with the issues the licensor raised and request a supervisory review decision. The process is:

Process Steps	Responsible Party
1. Licensor visits the facility and observes non-compliance with rule. (Either licensing visit or complaint investigation visit.)	Licensor
2. Licensor documents non-compliance using FLCA form.	Licensor
3. Provider/applicant documents a plan of correction and date of completion on the FLCA form and signs FLCA.	Provider/ Applicant
4. If the provider disagrees with any of the non-compliance issues, they can indicate that on the FLCA and request a supervisory review by checking a box at the bottom of the form. The licensor then gives the provider a copy of the FLCA Addendum to be filled in by the provider. The FLCA Addendum: Supervisory Review request form is intended for the provider to show how they believe they meet the intent of the WAC. This must not be used to challenge the validity of the WAC. ❖ <b>NOTE:</b> The provider must correct all <u>uncontested</u> compliance issues within the timeframe set by the licensor.	Provider
5. Licensor gives a copy of disputed FLCA and FLCA Addendum: Supervisory Review Request form to their supervisor.	Licensor
6. Supervisor reviews the FLCA containing disputed compliance issues.	Supervisor
7. If the supervisor supports the FLCA as written: a. They initial the FLCA as approved. b. They send a form letter to the provider stating that: supervisory review has occurred, the FLCA as written by the licensor is approved and compliance is necessary.	Supervisor/ Clerical Support

<p>c. The letter contains the provider's option to contact the field manager if they continue to disagree.</p> <p>d. With the letter, the provider is sent a copy of the initialed, approved version of the FLCA for their records. If the provider is satisfied at that point and accepts the supervisor's support of the FLCA, they must comply with the FLCA within 14 working days. The provider may request an extension if additional time is necessary to come into compliance. If the provider is not satisfied, see #9 below.</p> <p>e. The supervisor returns the compliance agreement to the licensor with a copy of the notification letter to the provider for follow-up, and places the original initialed FLCA in the licensing file.</p>	
<p>8. If the supervisor does not approve the FLCA as written by the licensor, they will discuss modification of the plan with the licensor and if needed, accompany the licensor to the facility to resolve the issue.</p>	Supervisor/ Licensor
<p>9. If the provider contacts the field manager and is still not able to resolve the issue within 14 days or time limits mutually agreed upon, there is no further appeal right. We may assess a civil penalty, a probationary license may be issued, or a letter of intent to suspend or revoke the license may be issued if the provider does not comply with the FLCA. Collection of fines is referred to OFR. The Licensing Policy Administrator should be consulted on fines of \$1,000 or greater.</p>	Field Manager/ Licensor/ provider.

### Determination and Effectiveness

After we've used the revised FLCA for at least six months, we will obtain provider feedback about the changes through use of a questionnaire sent directly to DCCEL headquarters. We will obtain licensor, supervisor and field manager feedback about the compliance agreement and resolution process by consultation. And finally, we will provide a report to DCCEL management, containing an assessment and recommendations for the future, and refine the process as necessary.

### Links to Forms

The FLCA includes the following changes:

- The check box at the bottom of 10-141 allows providers to disagree with the non-compliance cited in the FLCA and request a supervisory review regarding one or more of the items listed on the FLCA. There are no changes to 10-141A, also attached.
- A third page, or 10-141C titled 'Facility Licensing Compliance Agreement (FLCA) Addendum: Supervisory Review Request' has been added. This page allows the provider to state which items they disagree with, and to state how they are currently meeting the intent of the WAC.

The following links will take you to the revised FLCA (3 pages).

[http://asd.dshs.wa.gov/forms/wordforms/word/10\\_141.doc](http://asd.dshs.wa.gov/forms/wordforms/word/10_141.doc) (Compliance Agreement)  
[http://asd.dshs.wa.gov/forms/wordforms/word/10\\_141a.doc](http://asd.dshs.wa.gov/forms/wordforms/word/10_141a.doc) (continuation)  
[http://asd.dshs.wa.gov/forms/wordforms/word/10\\_141c.doc](http://asd.dshs.wa.gov/forms/wordforms/word/10_141c.doc) (Addendum: Supervisory Review)  
[http://asd.dshs.wa.gov/forms/wordforms/word/10\\_141sp.doc](http://asd.dshs.wa.gov/forms/wordforms/word/10_141sp.doc) (Spanish)  
[http://asd.dshs.wa.gov/forms/wordforms/word/10\\_141asp.doc](http://asd.dshs.wa.gov/forms/wordforms/word/10_141asp.doc) (Spanish continuation)  
[http://asd.dshs.wa.gov/forms/wordforms/word/10\\_141csp.doc](http://asd.dshs.wa.gov/forms/wordforms/word/10_141csp.doc) (Spanish Supervisory Addendum)

All DCCEL Staff  
November 22, 2004  
Page 3

You can order the forms immediately through the regular process. The forms will continue to be available on multi-page paper. If you have questions about this process, please contact your supervisor or field manager. Thank you.

cc: Rachael Langen